REMARKS

In the Office Action, claims 1-32 have been rejected under 35 U.S.C. §103. Claims 1, 7-9, 16 and 23 have been amended herein. A petition for a one-month extension of time is submitted herewith. A check in the amount of $120.00 is submitted herewith to cover the cost of the one-month extension. Please charge Deposit Account No. 02-1818 for any insufficiency or credit for any overpayment. Applicant believes that the rejections are improper or have been overcome for at least the reasons below.

At the outset, Applicant has amended claims 8 and 9 to correct the dependency of same so as not to be in improper multiple dependent format.

In the Office Action, claims 1-7, 9-14, 16-21 and 23-28 were rejected under 35 U.S.C. §103(a) as allegedly being obvious in view of U.S. Patent No. 5,737,481 to Gushima et al. ("Gushima"), U.S. Patent No. 4,591,931 to Baumeister ("Baumeister"), and U.S. Patent No. 5,781,435 to Holroyd et al. ("Holroyd"). The Patent Office primarily relies on Gushima, and thus relies on Baumeister and Holroyd to remedy the deficiencies of Gushima. Applicant disagrees that the cited references alone teach all of the elements of the claimed invention, even if properly combinable. However, in the spirit of cooperation and to advance the prosecution, Applicant has amended claims 1, 9, 16 and 23 to clarify that data may be endlessly recorded in a non-designated portion of the first data set, while preserving a second data set in a designated area (i.e., a designated portion of the recording medium will not be erased during an endless recording operation in the non-designated portion). Support for these clarifying amendments may be found in the Specification at page 15, lines 14-25.

Amended claim 1 recites, at least in part, a recording apparatus including control means, for controlling said recording means so as to endlessly-record and overwrite a non-designated portion of said first data in said recording medium which excludes said designated second continuous data set, such that the recording means *endlessly records and re-records data in the recording medium in said non-designated portion while preserving said designated second continuous data set*. Amended claim 9 recites, at least in part, a recording/reproducing apparatus for recording input data in a recording medium capable of non linear access, and reproducing and outputting the recording data, including control means, for controlling said recording means so as to endlessly-record and overwrite a non-designated portion of said first data in said recording medium excluding said second continuous data, *such that data is endlessly recorded and re-*

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*recorded in said non-designated portion while preserving said second continuous data.* Amended claims 16 recites, at least in part, a recording method for recording input first data in a recording medium capable of non linear access including *endlessly-recording and re-recording a non-designated portion of said first data* in said recording medium that excludes said designated second continuous data by recording said data in said non-designated portion *while preserving said second continuous data* corresponding to said start point and/or end point out of said first data that has been recorded. Similarly, claim 23 has been amended, at least in part, to recite a recording/reproducing method for recording input data in a recording medium capable of non linear access, and reproducing and outputting the recorded data, including *endlessly-recording and re-recording a non-designated portion of said first data* in said recording medium by recording said data in a region of said recording medium that does not include a continuous second recording region of said recording medium *while preserving said second continuous data* corresponding to said start point and/or end point out of said first data that has been recorded. Accordingly, second data can be easily *stored* while endlessly-recording a re-recording first data in a recording medium. Applicant respectfully submits that the cited art fails to disclose all of the elements of the claimed invention, even if properly combinable.

Gushima does not function to and is not intended to provide a recording medium where data can be endlessly recorded and re-recorded in a designated area of a memory device, while data in a second designated area of the memory device is retained. Gushima generally provides an information recording method for video or audio that includes a buffer memory and a disk. As described in Gushima, a conventional disk recording apparatus has a problem in that an off-track state of a recording head is generated when an external shock or vibration is applied to the recording apparatus. See, Gushima, col. 1, lines 23-26. Gushima continues to describe that a buffer memory can be utilized to *temporarily* store the input data for a predetermined period, in an attempt to avoid loss of data. See, Gushima, col. 2, lines 15-19. However, the data can not be held over this predetermined period of time corresponding to the capacity of the buffer memory. See, Gushima, col. 2, lines 17-18. Gushima continues to explain that if "the recoding-disable state should continue for the period corresponding to the capacity of the buffer memory or longer, then the buffer memory will overflow *and it becomes impossible to continuously store the input signal in the buffer.*" Therefore, at least in the recording-disable state, the amount of time that information can be recorded is limited.

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Gushima recognizes this problem of limited buffer capacity and comes up with a solution to apparently extend the buffer capacity in the recording-disable state by first allowing the buffer to fill up and then selectively writing over a portion of the buffer space (i.e., every other image is recorder over). See, Gushima, col. 12, 2-12 and 33-37. Gushima provides that the deleted data may be partially recovered through the process of interpolation (with the inevitable loss of image quality) thus preventing a complete loss of data for a finite period of time. See, Gushima, col. 12, lines 41-42. At least in theory, it appears as though this method could apparently extend the buffer capacity by about 50%, thus extending the amount of time that the apparatus can store information in the recording-disable state.

Only in the recording-disable state, and only when the buffer memory has already filled up, is recording performed in a non-designated portion of the memory device. As the recording-disable state continues, the non-designated portion will eventually be filled as well. When the capacity of the buffer memory overflows again *it becomes impossible to continuously store the input signal in the buffer.* After this point, data will be permanently lost. Therefore, the data cannot be *endlessly* recorded in a non-designated portion in the recording medium, *while preserving* the designated second continuous data set, as required by amended claims 1, 9, 16 and 23.

Moreover, Gushima fails to disclose a recording means that endlessly records and *re-records* data while preserving the second continuous data set. Indeed, the only conceivable scenario for re-recording information in the non-designated portion would be during the recording-disable state after the second overflow occurs. As stated above, if the recording-disable state continues for the period corresponding to the buffer capacity (or even the increased apparent capacity) then it becomes impossible to continuously store the input signal in the buffer. See, Gushima, col. 2, lines 18-23. Therefore, Gushima does not provide for re-recording data, as required by amended claims 1, 9, 16 and 23. Accordingly, Gushima does not teach or suggest each of the elements of the claimed invention.

Baumeister is relied on for the purported teaching of input means for allowing a user to designate a file name corresponding to a start point and an end point of a desired data set. Therefore, Baumeister does not cure the deficiencies of Gushima as described above. Moreover, Applicant respectfully submits that one of skill in the art would not be motivated to modify Gushima to designate a portion of the buffer memory as a storage space with a file name, thereby

limiting the buffer capacity. Indeed, Gushima is focused on extending the capacity of the buffer memory, not limiting it.

Holroyd is primarily relied on for the purported teaching of an input means allowing input of a time code information signal. Therefore, Holroyd fails to remedy the deficiencies described above, even if properly combinable.

Accordingly, Applicant believe that the rejections of claims 1-7, 9-14, 16-21 and 23-28 have been overcome and respectfully request withdrawal of same.

In the Office Action, claims 8, 15, 22 and 29-32 were rejected under 35 U.S.C. §103(a) as being obvious in view of Gushima, Baumeister, Holroyd, and U.S. Patent No. 5,949,953 to Shirakawa et al. ("Shirakawa"). The Patent Office relies primarily on Gushima, and thus relies on the remaining cited art to remedy the deficiencies of Gushima. Shirakawa is primarily relied on for the purported teaching of wherein the assisting data comprises a head address. Therefore, Shirakawa does not remedy Gushima and the remaining cited are for at least the reasons discussed above.

Accordingly, Applicant believe that the rejections of claims 8, 15, 22 and 29-32 have been overcome and respectfully request withdrawal of same.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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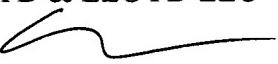
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Dated: November 29, 2005

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